

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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UNITED STATES OF AMERICA, :  
et al., :  
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Plaintiffs :  
 :  
v. : No. 1:23-cv-00108  
 :  
GOOGLE, LLC, :  
 :  
Defendants. :  

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Tuesday, August 15, 2023

Video Deposition of ALLEN OWENS,  
taken at the Law Offices of Paul, Weiss, Rifkind,  
Wharton & Garrison LLP, 2001 K St NW, Washington,  
DC, beginning at 9:37 a.m. Eastern Standard Time,  
before Ryan K. Black, Registered Professional  
Reporter, Certified Livenote Reporter and Notary  
Public in and for the District of Columbia

Job No. CS6037511

<p style="text-align: right;">Page 142</p> <p>1 THE WITNESS: To the best of my</p> <p>2 knowledge, the only programmatic partner that the</p> <p>3 Navy purchases marketing and advertising through</p> <p>4 via our contract with VMLY&amp;R is the Trade Desk.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. Okay. So, to be clear, has VMYL&amp;R, to</p> <p>7 your knowledge, ever used Google's product DV360</p> <p>8 to facilitate the placement of programmatic</p> <p>9 display ads on behalf of the Navy?</p> <p>10 MR. MCBIRNEY: Objection; foundation.</p> <p>11 THE WITNESS: So I recall that</p> <p>12 Google term, the SV or DV360; however, it's my</p> <p>13 understanding that the only programmatic buying</p> <p>14 that has been done on our behalf -- on the Navy's</p> <p>15 behalf is with the Trade Desk.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. Okay. And when you say "programmatic</p> <p>18 buying," I want to drill down a little bit more</p> <p>19 specifically to programmatic display advertising.</p> <p>20 So not programmatic connected TV, not</p> <p>21 programmatic online video, but programmatic</p> <p>22 display ads, okay? And so is the Trade Desk the</p> <p>23 only provider that has been used by VMLY&amp;R to</p> <p>24 purchase programmatic display ads on behalf of</p> <p>25 the Navy?</p>	<p style="text-align: right;">Page 144</p> <p>1 is the only programmatic buyer that the Navy has</p> <p>2 utilized for programmatic marketing and</p> <p>3 advertising.</p> <p>4 Q. Okay.</p> <p>5 A. That's my understanding.</p> <p>6 Q. Are you aware of any Google products</p> <p>7 or services that VMLY&amp;R could use to place</p> <p>8 programmatic ads on the internet on behalf of the</p> <p>9 Navy?</p> <p>10 A. Can you repeat the question?</p> <p>11 Q. Are you aware of any Google product</p> <p>12 or service that could be used by VMLY&amp;R to</p> <p>13 purchase digital media on behalf of the Navy</p> <p>14 -- programmatic digital media on behalf of the</p> <p>15 Navy?</p> <p>16 A. The Navy utilizes VMLY&amp;R to execute</p> <p>17 purchases on our behalf, but we do not direct</p> <p>18 them how to do so.</p> <p>19 Q. And so you don't direct them any</p> <p>20 particular vendor to use. Is that accurate?</p> <p>21 MR. MCBIRNEY: Object to form.</p> <p>22 THE WITNESS: We -- the Navy does not</p> <p>23 direct VMLY&amp;R to use any particular ad-buying</p> <p>24 method. We review their recommended plan and</p> <p>25 then approve it, or -- or suggest edits, for</p>
<p style="text-align: right;">Page 143</p> <p>1 MR. MCBIRNEY: Objection. Object to the</p> <p>2 form.</p> <p>3 THE WITNESS: To the best of my</p> <p>4 knowledge, the only programmatic buying that has</p> <p>5 been done on behalf of the Navy has been with</p> <p>6 -- I'm drawing a blank now on the -- the Trade</p> <p>7 Desk. Sorry.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. And within your answer, are you</p> <p>10 including programmatic display advertising</p> <p>11 buying?</p> <p>12 A. I am stating programmatic buying</p> <p>13 overall.</p> <p>14 Q. Okay. So are you aware of any provider,</p> <p>15 other than the Trade Desk, that has been used by</p> <p>16 VMLY&amp;R to purchase programmatic display ads on</p> <p>17 behalf of the Navy?</p> <p>18 MR. MCBIRNEY: Object to the form.</p> <p>19 THE WITNESS: My understanding is that</p> <p>20 any programmatic buying that has been done on</p> <p>21 behalf of the Navy has been with the Trade Desk.</p> <p>22 BY MS. GOODMAN:</p> <p>23 Q. And only in the Trade Desk, to your</p> <p>24 knowledge, correct?</p> <p>25 A. My understanding is that the Trade Desk</p>	<p style="text-align: right;">Page 145</p> <p>1 purchasing our -- our media on our behalf.</p> <p>2 BY MS. GOODMAN:</p> <p>3 Q. So in the course of your work as the</p> <p>4 director of marketing for the Navy Recruiting</p> <p>5 Command, are you aware of any Google product or</p> <p>6 service that VMLY&amp;R could use in order to place</p> <p>7 programmatic display ads on behalf of the Navy?</p> <p>8 MR. MCBIRNEY: Object. Asked and</p> <p>9 answered, and same to form.</p> <p>10 THE WITNESS: Not that I can recall.</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. Okay. So do you know what DV360 is?</p> <p>13 A. Sitting here today, I do not.</p> <p>14 Q. Okay. Have you ever come across the</p> <p>15 term DV360 in the course of your work as the</p> <p>16 COR supervising the VMLY&amp;R contract?</p> <p>17 A. As stated earlier, that phrase -- I</p> <p>18 recollect that phrase, but I don't recollect in</p> <p>19 what context.</p> <p>20 Q. And have you had any conversations with</p> <p>21 anybody at VMLY&amp;R about whether to use DV360?</p> <p>22 MR. MCBIRNEY: Object to form, and asked</p> <p>23 and answered.</p> <p>24 THE WITNESS: Not to my recollection.</p> <p>25 MS. GOODMAN: Mm-hmm.</p>